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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 ROBERT M. FENENBOCK,

11 Petitioner,

No. CIV S-97-1731 LKK DAD P

12 vs.

13 DIRECTOR OF DEPARTMENT OF
14 CORRECTIONS,

15 Respondent.

ORDER

16 On July 6, 2007, the assigned district judge in this case adopted the undersigned's
17 findings and recommendations, recommending that respondent's August 4, 2005 motion to
18 dismiss be granted with leave to file a second amended petition alleging the claims alleged in
19 petitioner's first amended petition as Claims 1, 2, 3, 6, 7, and 8, along with a cumulative error
20 claim grounded solely on the prejudicial effect of the errors alleged in those six claims. On July
21 16, 2007, petitioner filed a request for reconsideration. On March 25, 2008, the assigned district
22 judge denied the request because petitioner failed to demonstrate that the court's order was
23 clearly erroneous or resulted in injustice.

24 Good cause appearing, IT IS HEREBY ORDERED that:

25 1. Within sixty days of the date of this order, petitioner shall file a second
26 amended petition alleging the claims set forth in petitioner's first amended petition as Claims 1,

1 2, 3, 6, 7, and 8, along with a cumulative error claim grounded solely on the prejudicial effect of
2 the errors alleged in those six claims;

3 2. Within sixty days of service of petitioner's second amended petition,
4 respondent shall file an answer accompanied by all transcripts and other documents relevant to
5 the issues presented in the second amended petition. See Rules 4 & 5, Fed. R. Governing § 2254
6 Cases; and

7 3. Within thirty days of service of respondent's answer, petitioner shall file a
8 reply, if any. Any request for an evidentiary hearing shall be filed and served concurrently with
9 petitioner's reply to the answer.

10 DATED: March 16, 2009.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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